

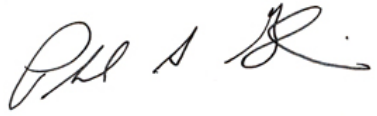
1 claim has been fairly presented to the state's highest court. Davis
2 v. Silva, 511 F.3d 1005, 1008-1009 (9th Cir. 2008).

3 Petitioner has not exhausted his state remedies with respect to
4 any of his alleged claims for relief. Although this Court has
5 discretion to stay mixed habeas petitions to allow the petitioner to
6 exhaust his state remedies, see Rhines v. Webber, 544 U.S. 269,
7 277-278 (2005), it does not have discretion to stay a petition
8 containing only unexhausted claims. Raspberry v. Garcia, 448 F.3d
9 1150, 1154 (9th Cir. 2006) ("Once a district court determines that a
10 habeas petition contains only unexhausted claims, it need not inquire
11 further as to the petitioner's intentions. Instead, it may simply
12 dismiss the habeas petition for failure to exhaust."); Pamplin v.
13 Benedetti, 2011 WL 128569, *3 (D.Nev. 2011) (explaining that a stay
14 under Rhines is inappropriate where the petition is wholly
15 unexhausted); Davis v. Adams, 2010 WL 1408290, *2 (C.D.Cal. 2010)
16 (stating that a federal court cannot stay a completely unexhausted
17 petition), report and recommendation adopted, 2010 WL 1408292
18 (C.D.Cal. 2010); Connors v. Marshall, 2008 WL 4079265, *2 (C.D.Cal.
19 2008) (same).

20 Therefore, petitioner's request for a stay is denied, and the
21 petition for a writ of habeas corpus is be dismissed without
22 prejudice.

23 **IT IS SO ORDERED.**

24 Dated: June 15, 2012

25 
26 _____
Philip S. Gutierrez
United States District Judge
27
28